THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No. 19460 of 2006

Date 20-09-2006

Between:

M/s.Rotz Restaurant & Bar and another.

..... PETITIONERS

AND

The Commissioner, Prohibition and Excise, A.P., Hyderabad and others.

.....RESPONDENTS

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION No.19460 of 2006

O R D E R :

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in not refunding the excess licence fee to the petitioner for the Excise year 2005-06 as arbitrary and illegal.

The petitioners contend that since they were granted licence on 29-11-2005 and 05-12-2005 respectively to run the business, they are entitled for refund of the proportionate licence fee.

The very same issue has been considered, in detail, by this Court in W.P.No.23415 of 2005. By order dated 25-04-2006, the said writ petition was allowed declaring that the petitioner therein, who was accorded sanction for grant of Form-2B licence in the middle of the Excise year, has to pay only proportionate licence fee. The said order was also confirmed in writ appeal. The said fact is not disputed by the learned Government Pleader for Prohibition and Excise appearing for the respondents.

In the circumstances, the writ petition is disposed of granting liberty to the petitioner to make an appropriate representation before the respondents for refund of the proportionate licence fee. If any such representation is made, the same shall be considered in terms of the order of this Court in W.P.No.23415 of 2005, dated 25-04-2006, and appropriate orders be passed in accordance with law within a period of four weeks from the date of receipt of such representation. No order as to costs.

20-09-2006

Note:CC two days

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